

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 16, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

C060503 THE PEOPLE v. DEANDRE DELONEY et al.

Cause called. Joan Isserlis, court appointed counsel, argued for appellant Deloney. Richard Power, court appointed counsel, argued for appellant Jones. Jamie A. Scheidegger, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:07 a.m., the court recessed. At 10:09 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C060906 RUCKER, J.R. v. WELLS

Cause called. Harold J. Rucker, Jr. argued in pro. per. as appellant. Tina L. Wells argued in pro. per. as respondent. Cause submitted.

At 10:29 a.m., the court recessed. At 10:31 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C059843 MILLER v. LIFESTYLES SENIOR HOUSING MANAGERS et al.

Cause called. Joseph M. Earley, III argued for appellant. Aaron T. Winn argued and John D. Vaughn appeared only for respondents. Cause submitted.

At 10:58 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

C062923 PHARMACY ADVANTAGE, INC. v. A & C HEALTH CARE SERVICES, INC., et al.

Cause called. Ismail Amin argued for appellants. James M. Morris argued for respondents. Cause submitted.

At 2:31 p.m., the court recessed until 9:30 a.m., Tuesday, August 17, 2010.

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Court Minutes

August 16, 2010, Continued

- C060346 WALNUT PRODUCERS OF (Certified For Publication)**
CALIFORNIA et al. v. DIAMOND
FOODS, INC.
The judgment is affirmed. Costs on appeal are awarded to Diamond Foods. (Cal. Rules of Court, rule 8.278 (a).)
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C062677 In re S.M.; SISKIYOU COUNTY HUMAN (Not For Publication)**
SERVICES DEPARTMENT v. E.M.
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Sims, J.
- C064660 In re A.G. et al.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. G.G.
The order terminating father's parental rights to A.G. is affirmed.
HULL, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C060658 In re J.M.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. V.C.
THE COURT:
It is ordered that the opinion filed herein on July 27, 2010, be modified...
This modification does not effect a change in the appellate judgment.
BY THE COURT:
HULL, Acting P.J.
Robie, J.
Butz, J.
- C059910 THE PEOPLE v. MICHAEL ALLEN ROSE**
BY THE COURT:
Appellant's petition for rehearing is denied.
RAYE, Acting P.J.

**COURT OF APPEAL
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Court Minutes

August 17, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Raye, Associate Justice; and Haskett, bailiff.

C060407 FIRST RESPONDER EMERGENCY MEDICAL SERVICES, INC., et al. v. NORTHERN CALIFORNIA EMERGENCY MEDICAL SERVICES, INC., et al.; PRIORITY ONE MEDICAL TRANSPORT, INC. COUNTY OF BUTTE v. CALIFORNIA EMERGENCY MEDICAL SERVICES AUTHORITY; FIRST RESPONDER EMERGENCY MEDICAL SERVICES, INC., et al.

Cause called. Ray Sardo argued for cross-appellant. Douglas M. Wolfberg argued for appellants. Brenda A. Raye, Deputy Attorney General, argued for cross-respondents. Kenneth D. Baker appeared only for Intervener-respondent. Cause submitted.

At 10:06 a.m., the court recessed. At 10:07 a.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Robie, Associate Justice.

C057964 PALMER v. BNSF RAILWAY COMPANY

Cause called. Lawrence M. Mann argued for appellant. Charity Kenyon argued for respondent. Cause submitted.

At 10:43 a.m., the court recessed. At 10:46 a.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C063541 NORLUND v. THE SUPERIOR COURT OF BUTTE COUNTY; SOHNREY

Cause called. Richard Norlund argued in pro. per. as petitioner. Virginia L. Gingery argued for real party in interest. Cause submitted.

At 11:11 a.m., the court recessed. At 11:13 a.m., the court reconvened.

C059014 ZATARAIN v. MAMMOTH MOUNTAIN SKI AREA

Cause called. Susan V. Zatarain argued in pro. per. as appellant. Michael L. Reitzell argued for respondent. Cause submitted.

At 11:37 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

August 17, 2010, Continued

C061696 CLOVIS UNIFIED SCHOOL DISTRICT et al. v. STEVE WESTLEY, as State Controller, etc.; SAN JUAN UNIFIED SCHOOL DISTRICT; JOHN CHIANG, as State Controller, etc.

Cause called. Kathleen A. Lynch, Deputy Attorney General, argued for defendant-appellant. Gregory A. Wedner argued for plaintiff-appellants. Sloan R. Simmons argued for plaintiff-appellants. Cause submitted.

At 2:49 p.m., the court recessed until 9:30 a.m., Wednesday,
August 18, 2010.

**C061177 THE PEOPLE v. (Not For Publication)
SANTOS IGNACIO LOPEZ**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.
 Hull, J.

**C061746 THE PEOPLE v. (Not For Publication)
ABEL ORTEGA MENDOZA**

The judgment is affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.
 Nicholson, J.

**C062115 THE PEOPLE v. (Not For Publication)
MATTHEW PRUITT**

The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a corrected abstract of judgment.

BLEASE, Acting P.J.

We Concur: Raye, J.
 Hull, J.

**C062239 THE PEOPLE v. (Not For Publication)
JOHN DAVID HULL**

The judgment is modified... As modified, the judgment is affirmed. ...

ROBIE, J.

We Concur: Hull, Acting P.J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 17, 2010, Continued

- C062175 In re R.K. et al.; PLACER COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. T.K.
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
 Nicholson, J.
- C063460 In re ALICIA TAPLETT on Habeas Corpus. (Not For Publication)**
The petition for writ of habeas corpus is denied.
HULL, J.
We Concur: Nicholson, Acting P.J.
 Robie, J.
- C061789 In re the Marriage of RENEE S. and KENNETH S. KEATING; KEATING v.**
KEATING
BY THE COURT:
Appellant's petition for rehearing is denied.
NICHOLSON, Acting P.J.
- C062306 KIRBY et al. v. IMMOOS FIRE PROTECTION, INC.**
BY THE COURT:
Appellants' petition for rehearing is denied. (Boydston v. Napa Sanitation
Dist. (1990) 222 Cal.App.3d 1362, 1370.)
SCOTLAND, P.J.
- C063761 THE PEOPLE v. OSCAR BENITEZ JIMENEZ**
BY THE COURT:
Respondent's request for partial publication of the opinion filed on
August 3, 2010, is denied.
HULL, Acting P.J.

**COURT OF APPEAL
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August 18, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Hull, Associate Justice; and Horner, bailiff.

C061965 In re the Marriage of ARVIND and RANDEEP BHASIN; BHASIN v. BHASIN

Cause called. No appearance was made by appellant in pro. per. Arvind Bhasin argued in pro. per. as respondent. Cause submitted.

At 9:35 a.m., the court recessed. At 9:38 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C062554 DOE v. LINCOLN UNIFIED SCHOOL DISTRICT et al.

Cause called. Marleen L. Sacks argued for appellant. Thomas J. Driscoll argued for respondent. Cause submitted.

At 10:14 a.m., the court recessed until 9:30 a.m., Monday, August 23, 2010.

C059871 THE PEOPLE v. QUANG HO (Not For Publication)

Defendant's conviction is affirmed. Defendant's sentence is vacated and the matter is remanded to the trial court for resentencing in accordance with part III of this opinion.

HULL, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C061456 THE PEOPLE v. OSCAR VINCENT MORALES (Not For Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Sims, Acting P.J.

Raye, J.

C061694 THE PEOPLE v. ISAC ESTRADA (Not For Publication)

The judgment is reversed and the matter is remanded to impose an indeterminate life sentence of 14 years to life on count 1.

NICHOLSON, J.

I concur: Butz, J.

I concur in the result:

Blease, Acting P.J.

**COURT OF APPEAL
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Court Minutes

August 18, 2010, Continued

- C062275 THE PEOPLE v. BRANDON JOHNSTON (Not For Publication)**
The judgment is affirmed. The matter is remanded to the trial court with directions to prepare an amended abstract of judgment granting defendant credits for the actual days he was in custody between his original sentencing and his resentencing following remand of the matter. The trial court also is directed to correct the code section noted on the abstract of judgment to reflect that defendant was convicted of section 187 (a)/190.2(a)(17)(A).
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.
- C063010 THE PEOPLE v. (Not For Publication)**
STEPHEN DARNELL BOYD
The judgment is modified... As so modified, the judgment is affirmed. ...
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.
- C063621 THE PEOPLE v. JOSEPH STINSON (Not For Publication)**
The trial court's judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C063992 THE PEOPLE v. (Not For Publication)**
JOHN FRANKLIN STEVENS, JR.
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Blease, J.
Hull, J.
- C061848 FARR v. COUNTY OF NEVADA (Certified For Publication)**
The judgment of the trial court is reversed... Appellant is awarded his costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1) & (a)(2).)
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 18, 2010, Continued

**C063644 NATURE'S HEARTLAND, INC., et al. v. (Not For Publication)
THE SUPERIOR COURT OF SAN JOAQUIN
COUNTY; GRIMAUD FARMS OF CALIFORNIA,
INC.**

Let a peremptory writ issue directing the trial court to vacate its order denying the motion to quash and enter a new order granting the motion. The alternative writ is discharged and the stay of trial proceedings in the superior court is dismissed as moot. Petitioners shall recover their costs in this original proceeding. (Cal. Rules of Court, rule 8.493 (a)(1)(A).)

BUTZ, J.

We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.

**C061076 In re CLIFFORD R., a Person Coming (Not For Publication)
Under the Juvenile Court Law;
THE PEOPLE v. CLIFFORD R.**

The juvenile court is directed to enter into its minutes the finding that the minor's maximum period of confinement is five years. In all other respects, the judgment is affirmed.

RAYE, Acting P.J.

We Concur: Butz, J.
Cantil-Sakauye, J.

**C063276 In re I.K. et al.; SHASTA COUNTY (Not For Publication)
DEPARTMENT OF SOCIAL SERVICES v.
T.B.**

The orders of the juvenile court are affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.
Nicholson, J.

**C064315 In re K.R. et al.; SAN JOAQUIN COUNTY (Not For Publication)
HUMAN SERVICES AGENCY v. M.C.**

The juvenile court's orders are affirmed.

HULL, Acting P.J.

We Concur: Butz, J.
Cantil-Sakauye, J.

**C054400 SUTTER HEALTH et al. v. UNITE HERE
BY THE COURT:**

Respondents' petition for rehearing is denied.
SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 19, 2010

C063363 THE PEOPLE v. (Not For Publication)
TERRI LEE HARVEY

The judgment is modified... The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

HULL, Acting P.J.

We Concur: Robie, J.

Butz, J.

C056183 THE PEOPLE v. IRA GORDON et al. (Not For Publication)
THE COURT:

It is ordered that the opinion filed herein on July 27, 2010, be modified...

There is no change in the judgment.

Defendants Gordon's and Robson's petitions for rehearing are denied.

BY THE COURT:

BLEASE, Acting P.J.

Raye, J.

Butz, J.

August 20, 2010

C061349 THE PEOPLE v. (Not For Publication)
RUDY GRANT KIRBY

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Sims, J.

C063602 In re V.V. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. V.G. et al.

The orders of the juvenile court are affirmed.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.

Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 20, 2010, Continued

**C064231 In re S.A. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. T.B.**

The judgment (order terminating parental rights) is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.
Robie, J.